



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200000696

Date: February 14, 2008

Comments Due: March 14, 2008

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act to construct four temporary rock barriers in the south delta for the next 2 years, as shown in the attached drawings.

**APPLICANT:** Mark A. Holderman, P.E.  
Chief, Temporary Barriers Project and Lower San Joaquin  
Bay-Delta Office  
California Department of Water Resources  
1416 9<sup>th</sup> Street, P.O. Box 942836  
Sacramento, California 94236-0001

**LOCATION:** The Head of Old River (HOR) temporary barrier is proposed at the following location:

The HOR temporary barrier is located between Upper Roberts Island and Stewart Tract at the confluence of the San Joaquin River, within Section 32, Township 1 South, and Range 6 East MDB&M, San Joaquin County, California.

**PURPOSE:** The applicant has stated the project purpose is to protect San Joaquin salmon migrating through the Delta and provide an adequate agricultural water supply in terms of quantity, quality, and channel water levels to meet the reasonable and beneficial needs of water users in the South Delta Water Agency (SDWA).

**PROJECT DESCRIPTION:** The project consists of constructing the HOR temporary rock barrier at the above described location during the 2008 through 2010 irrigation seasons. The barrier would be composed of rock which is clean, hard, dense, durable, and free from cracks, seams, and other defects that could deteriorate from natural causes. The barriers would be installed and removed using an excavator and a barge or truck-mounted crane.

The applicant proposes to install the HOR barrier during the spring and fall. This barrier is proposed to improve migration conditions in the Delta for chinook salmon smolts and adults by preventing fish from going down Old River towards the state and federal water export facilities during their migration through the San Joaquin River system. The spring barrier was first installed in April 1992. It would be installed April 15 and breached by May 16 of each year.

This barrier would have six 48-inch operable culverts and a 75-foot clay filled notch at an elevation of 6.0 feet Mean Sea Level (MSL). The spring barrier would be approximately 225 feet long, 85 feet wide at the base, have a crest of 10 feet MSL, and would be composed of approximately 12,500 tons of rock.

The HOR fall barrier would be installed October 1 and breached November 30 of each year. This barrier would have six operable culverts and a 20 foot notch at an elevation of 0.0 MSL. The barrier would be approximately 2000-feet long, 55-feet wide at the base, have a crest of 4.0 feet MSL, and be composed of approximately 7,500 tons of rock.

#### **ADDITIONAL INFORMATION:**

On February 13, 1998, the Corps issued public notice 199600027/199800015 stating that the HOR Barrier would be administratively separated from the three agricultural barriers. These barriers could be evaluated as separate projects under separate Department of the Army permits.

All four of the barriers are within designated critical habitat for federally listed fish species. This project may affect the delta smelt (Hypomesus transpacificus), Sacramento River winter-run chinook salmon (Oncorhynchus tshawytscha), Central Valley spring-run chinook salmon, and the Central Valley steelhead (Oncorhynchus mykiss) (Oncorhynchus tshawytscha) Green Sturgeon (Acipenser medirostris) and Essential Fish Habitat. On November 16, 2007, the Corps initiated consultation for the above species and their designated critical habitat with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the Endangered Species Act. The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **March 14, 2008**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To

make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please contact Mark Holderman with the State of California, Department of Water Resources, telephone (916)653-7429 or William H. Guthrie, at the letterhead address, telephone (916) 557-5269 email [william.h.guthrie@usace.army.mil](mailto:william.h.guthrie@usace.army.mil).

Thomas Chapman  
Colonel, Corps of Engineers  
District Engineer

Enclosures: 10 Drawings